

## REMARKS

Claims 100-107 are now pending in the subject U.S. patent application. Claims 1-99 have been canceled without prejudice. Applicants hereby reserve the right to file one or more divisional applications directed to the cancelled claims. Claims 100-107 have been added. Claims 100-107 are directed to a method of controlling gene expression in a cell. Support for the claims can be found throughout the specification as filed, particularly on page 9, lines 1-3. Additional support can be found, for example, on page 8, lines 17-19 (describing a gene switch). Support for the "first" and "second" components of the DNA molecule of claim 100 can be found on page 12, lines 8-19. Further support for the "first" component comprising i) the *Heliothis virescens* ligand binding domain (defined in the Table provided on page 6 as corresponding to amino acids 327-545 of SEQ ID NO: 5); ii) a DNA binding domain; and iii) a transactivation domain, is found on page 7, lines 26-28.

A Substitute Specification has been provided. Deletions are in "strikethrough" format and additions are underlined and bold format, to distinguish the additions from underlining in original. Please replace the specification as filed with the Substitute Specification, pages 1-57 above.

The amendments found on page 8 amending references to Seq ID No. 4 to SEQ ID NO: 5 have been made to correct a typographical error. Seq ID No. 4 is a nucleotide sequence, whereas the language on page 8 refers to an amino acid sequence. The amendments clarify that the amino acid sequence being referred to in these paragraphs corresponds to the amino acid sequence set forth in SEQ ID NO: 5 of the Substitute Sequence Listing.

Regarding the amendments to the "References" section of the Substitute Specification, certain references that were disclosed in the original specification were inadvertently left out of the "References" section. These references have been added to the "References" section of the Substitute Specification correct this oversight and provide a more complete Reference List. No new matter has been added by the amendments, as all of the references that have been added to the "References" section were originally present in the specification. For example, European Patent Publication Nos. EP 218 571 and EP 293 358 are cited on page 11, line 6, of the original specification. The PCT International Patent Publications that have been added to the References list can be found in the specification as originally filed on pages 1, line 24, and page 10, line 30 through

page 11, line 7. U.S. Patent No. 5,117,057 and the Oikawa *et al.* reference are cited on page 8, line 33, of the original specification.

A Substitute Sequence Listing has been provided in the specification.

No new matter has been added by the amendments to the specification or the newly added claims.

#### CONCLUSION

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

Although it is believed that no fee is due, the Commissioner is hereby authorized to charge any deficiencies of payment associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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